



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Brad Woodhouse
American Democracy Legal Fund
455 Massachusetts Avenue, NW, Suite 650
Washington, DC 20001

MAY 18 2018

RE: MUR 7100
Donald J. Trump, *et al.*

Dear Mr. Woodhouse:

On May 10, 2018, the Federal Election Commission reviewed the allegations in your complaint originally dated June 29, 2016, and found, on the basis of the information provided in your complaint and the response submitted by the Respondents, that there is no reason to believe Donald J. Trump and Donald J. Trump for President, Inc. and Bradley Crate in his official capacity as treasurer violated 52 U.S.C. § 30114(b) and 11 C.F.R. § 113.2 in connection with reimbursing members of Trump's family for travel expenses. As to the remaining allegations in your complaint, there was an insufficient number of votes to find reason to believe the Respondents violated the Federal Election Campaign Act of 1971, as amended (the "Act"). Accordingly, the Commission closed its file in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003), and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). The Factual and Legal Analysis, which more fully explains the Commission's findings, is enclosed.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. *See* 52 U.S.C. § 30109(a)(8).

Sincerely,

Lisa J. Stevenson
Acting General Counsel

BY: Lynn Y. Tran
Assistant General Counsel

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Enclosure
Factual and Legal Analysis

1-800-444-4444

1 **FEDERAL ELECTION COMMISSION**
2 **FACTUAL AND LEGAL ANALYSIS**
3

4 **RESPONDENTS:** Donald J. Trump for President, Inc. and MUR 7100
5 Bradley T. Crate in his official capacity
6 as treasurer
7 Donald J. Trump
8

9 **I. INTRODUCTION**

10 The Complaint alleges that Donald J. Trump and Donald J. Trump for President, Inc. and
11 Bradley T. Crate in his official capacity as treasurer (the "Committee") (collectively, the
12 "Respondents") violated the Federal Election Campaign Act of 1971, as amended (the "Act"),
13 and Commission regulations by converting campaign funds to the personal use of Trump and
14 members of his family. As explained below, the Commission finds no reason to believe that
15 Respondents, in connection with payments to Trump family members for campaign travel,
16 violated the personal use provision.

17 **II. FACTUAL BACKGROUND**

18 At the time of the Complaint's filing, President Donald J. Trump was a candidate for
19 President and Donald J. Trump for President, Inc. and Bradley T. Crate in his official capacity as
20 treasurer was his principal campaign committee. The Complaint alleges, *inter alia*, that Trump
21 family members personally profited from Committee expenditures, arguing that payments to
22 Trump's sons for campaign travel constituted personal use.¹ Respondents deny that they violated

¹ Compl. at 7 (July 6, 2016).

1 the Act.² They argue the campaign's payments to Trump's family members for travel were
2 proper because they were for campaign-related activities.³

3 III. LEGAL ANALYSIS

4 The Commission has determined that a candidate and the candidate's campaign
5 committee have wide discretion in making expenditures to influence the candidate's election.⁴
6 However, the candidate and the campaign committee may not convert campaign funds to the
7 personal use of the candidate or any other person.⁵ Campaign funds are converted to personal
8 use if they are "used to fulfill any commitment, obligation or expense of a person that would
9 exist irrespective of the candidate's election campaign or individual's duties as a holder of
10 Federal office."⁶ Expenses "that would be incurred even if the candidate was not a candidate"
11 are considered personal rather than campaign related.⁷

12 Commission regulations list a number of expenditures that constitute *per se* personal use,
13 but where a specific use is not listed, the Commission determines whether an expense constitutes
14 personal use "on a case-by-case basis."⁸ The Commission has stated, however, that "[i]f the

² Trump and the Committee submitted a joint response. *See* Donald J. Trump for President, Inc. Resp. (Oct. 6, 2016).

³ *Id.* at 9-10.

⁴ *See* Commission Regulations on Personal Use of Campaign Funds, Explanation and Justification, 60 Fed. Reg. 7,862, 7,867 (Feb. 9, 1995) ("1995 Personal Use E&J"); *see also* Advisory Opinion 2011-02 (Brown); Advisory Opinion 2006-07 (Hayworth).

⁵ 52 U.S.C. § 30114(b)(2); 11 C.F.R. § 113.2.

⁶ 52 U.S.C. § 30114(b)(2); *see also* 11 C.F.R. § 113.1(g).

⁷ 1995 Personal Use E&J at 7,863.

⁸ 11 C.F.R. § 113.1(g)(1)(i) and (ii).

1 candidate can reasonably show that the expenses at issue resulted from campaign or officeholder
2 activities, the Commission will not consider the use to be personal use.”⁹

3 The Complaint alleges that the Respondents violated the Act by reimbursing members of
4 Trump’s family for travel expenses. Travel expenses are among the type of expenses analyzed
5 on a case-by-case basis discussed above.¹⁰ The Commission has previously determined that
6 campaign funds may be used to pay for a candidate’s immediate family members to travel to
7 participate in campaign events.¹¹

8 The Committee reported disbursing \$13,902 to Donald Trump, Jr., and Eric Trump for
9 “travel expense reimbursement” for the period covered in the Committee’s June 2016 Monthly
10 Report.¹² The Complaint makes no assertion that the expenses incurred were for anything other
11 than legitimate campaign-related travel. It makes no claim that Eric Trump or Donald Trump,
12 Jr., failed to attend campaign-related events. On the contrary, Eric Trump and Donald Trump,
13 Jr., appear to have played a large role in Donald Trump’s campaign.¹³ Accordingly, there is no
14 information to suggest that the travel reimbursements were made for anything other than *bona*
15 *fide* campaign travel, and the Commission finds no reason to believe that Respondents, in

⁹ 1995 Personal Use E&J at 7,863-64.

¹⁰ 11 C.F.R. § 113.1(g)(1)(ii)(C).

¹¹ See Advisory Opinion 1996-34 (Thornberry) (approving use of campaign funds for travel costs of spouse and minor children); *cf.* 1995 Personal Use E&J at 7,866 (“The Commission agrees . . . that [in regard to salary payments] family members should be treated the same as other members of the campaign staff. So long as the family member is providing *bona fide* services to the campaign, salary payments to that family member should not be considered personal use.”).

¹² See 2016 June Monthly Report at 1,614, 1,617-18, Donald J. Trump for President, Inc. (June 20, 2016).

¹³ See, e.g., Naomi Lim, *Eric Trump: My Father Started with 'Just About Nothing'*, CNN (Sept. 26, 2016), <http://www.cnn.com/2016/09/23/politics/eric-trump-donald-trump-american-dream/> (“Donald Trump’s children have become prominent surrogates for his unconventional presidential campaign. . .”).

- 1 connection with payments for travel by Trump's family members, violated 52 U.S.C. § 30114(b)
- 2 and 11 C.F.R. § 113.2.

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